

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-360 (ECT/TNL)

Plaintiff,

v.

ORDER

Tavaughn Lamarr Combs,

Defendant.

This matter comes before the Court on Defendant Tavaughn Lamarr Combs' Motion for Continuance and Excludable Delay. ECF No. 18. Defendant also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act. ECF No. 19.

Defendant requests a 60-day extension of the January 24, 2023, motion filing deadline. ECF No. 18 at 1. Defendant "requests additional time to consult with counsel and review discovery with him," which would allow him to "evaluate other circumstances and concerns related to his case." ECF No. 19 at 1. Defendant notes that he was conditionally released and is presently out of custody. ECF Nos. 18 at 1, 19 at 1. The Government has no objection to Defendant's request. ECF No. 18 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance and Excludable Delay, ECF No. 18, is **GRANTED**.

2. The period of time from **January 19 through March 24, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **March 24, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. Counsel shall electronically file a letter on or before **March 24, 2023**, if no motions will be filed and there is no need for a hearing.

5. All responses to motions shall be filed by **April 7, 2023**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **April 7, 2023**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **April 12, 2023**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or

- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **April 24, 2023, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in limine) to District Judge Eric C. Tostrud's chambers on or before **April 24, 2023**. In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: tostrud_chambers@mnd.uscourts.gov.

Judge Tostrud will hold a final pretrial on **May 5, 2023, at 9:00 a.m.** in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

This case must commence trial on **May 8, 2023, at 1:00 p.m.** before District Judge Tostrud in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel**

must contact the Courtroom Deputy for District Judge Tostrud to confirm the new trial date.

Dated: January 24, 2023

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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